

CHAPTER 1

INTRODUCTION

0101. References

Throughout the manual, references applicable to each chapter appear at the end of the chapter.

0102. Definition of Terms

See the Glossary at the end of the manual for the definition of special terms used throughout the manual.

This manual uses the words "shall," "will," "must," "should," "may," and "can" throughout. Shall, will, and must are directive in nature and require mandatory compliance. Should is a strong recommendation, but compliance is not required. May or can, when used, are optional in nature, and compliance is not required.

0103. Background

a. The Navy has historically maintained safety and health programs to protect its personnel and property. Occupational safety has long been an element of the overall Navy safety program that also includes explosive safety, nuclear safety, aviation safety, traffic safety and off-duty safety. The Chief of Naval Operations (N45) has traditionally managed the occupational safety and health program.

b. The program gained special prominence after passage of the Occupational Safety and Health Act (OSH Act) on 31 December 1970. Although the primary thrust of the OSH Act was directed at the private sector employer, Section 19 of the OSH Act directed Federal agencies to establish and maintain comprehensive and effective Occupational Safety and Health (OSH) programs consistent with the stan-

dards issued under Section 6 of the OSH Act.

c. On 26 July 1971, the President signed Executive Order (E.O.) 11612, entitled *Occupational Safety and Health Programs for Federal Employees*. This E.O. stated the Federal government, as the nation's largest employer, has a special obligation to set an example for safe and healthful employment. It directed the head of each Federal department and agency to establish an OSH program in compliance with Section 19 of the OSH Act. Over the next 3 years, many Federal agencies made only moderate progress. Consequently, Congress received considerable criticism for a perceived double standard in OSH requirements between the private sector and Federal agencies. As a result, the President issued E.O. 11807 in 1974, which replaced E.O. 11612 and more clearly defined the scope, requirements, and responsibilities of Federal agency programs. In addition, E.O. 11807 tasked the Secretary of Labor to issue guidelines designed to assist Federal agencies in establishing their programs. The Secretary issued these guidelines on 9 October 1974 as Title 29, Code of Federal Regulations, Part 1960 *Safety and Health Provisions for Federal Employees*.

d. The actions described above still did not satisfy some critics since several Federal agencies questioned the regulatory authority of the Department of Labor (DOL) guidelines (29 CFR 1960). Addressing this issue, on 26 February 1980, the President signed E.O. 12196, *Occupational Safety and Health Programs for Federal Employees*, superseding E.O. 11807. The Secretary of Labor revised DOL guidelines (29 CFR 1960) on 21 October 1980 and re-

sued them as *Basic Program Elements for Federal Employee Occupational Safety and Health Programs*.

e. The Department of Defense (DoD) has issued many directives and instructions to implement the Federal guidance outlined above. Prominent among these is reference 1-1 that outlines general DoD policy and procedures for implementation of the OSH Act and the associated E.O., and reference 1-2 that provides more specific guidance for implementation of the basic OSH program elements specified in 29 CFR 1960.

f. Following the provisions of reference 1-1, the Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)) was appointed as the Designated Safety and Occupational Health Official for the Department of the Navy (DON), with responsibilities outlined in reference 1-3. Reference 1-3 contains policy statements and outlines responsibilities for the implementation of the total safety and occupational health program for the Navy. Reference 1-3 delegates responsibility for managing the Navy Occupational Safety and Health (NAVOSH) Program to the Chief of Naval Operations (CNO) who is specifically responsible for the issuance of appropriate implementing directives.

g. This manual implements references 1-1 through 1-3 and provides policy, procedures and guidance for the NAVOSH Program.

0104. Navy Occupational Safety and Health (NAVOSH) Policy

Navy policy is to provide a safe and healthful workplace for all personnel. The Navy achieves these conditions through an aggressive and comprehensive NAVOSH Program fully endorsed by the Secretary of the Navy (SECNAV) and implemented through the appropriate chain of command.

The program includes the following features:

a. Compliance with applicable standards

b. OSH inspection of all workplaces by qualified OSH inspectors at least annually

c. Prompt abatement of identified hazards, including elimination or minimization of all hazards through engineering or administrative controls. Where engineering or administrative controls are not feasible, activities shall provide appropriate personal protective equipment (PPE) at government expense. Where hazard abatement resources are limited, activities shall eliminate the most serious problems first. Where unabated serious hazards have not been eliminated, activities shall post appropriate notices to warn employees and define interim protective measures.

d. Procedures for all personnel to report suspected hazards to their supervisors and/or safety and health officials without fear of reprisal

e. Appropriate OSH training for all safety and health officials, supervisory and management personnel, and employees. Activities shall integrate applicable OSH requirements into training programs and technical and tactical publications.

f. Procedures to review, in advance of construction or procurement, the design of facilities, systems, and subsystems to ensure that OSH hazards are eliminated or controlled throughout the life cycle

g. Thorough mishap investigations and a comprehensive OSH management information system that provides all OSH data required by higher authority

h. Comprehensive occupational health surveillance programs, both medical

and industrial hygiene, implemented by qualified personnel

i. Procedures consistent with Office of Personnel Management (OPM) and Navy Personnel Command (COMNAVPERSCOM) directives to measure employee performance in meeting NAVOSH requirements/objectives.

0105. Applicability

a. The provisions of this manual apply to all Navy civilian and military personnel and operations worldwide except where responsibility rests with the Commandant of the Marine Corps (CMC), and for those afloat personnel falling under the requirements of reference 1-4. Exceptions also include military-unique equipment, systems and operations; conditions governed by other statutory authorities or interservice support agreements; and conditions governed by international agreements overseas.

b. The provisions of this manual do not apply to Navy contractors, except for the following:

(1) Situations in which the United States, by admiralty law or other law, is responsible for contractor employee injury compensation (for example, for employees working under the Commander, Military Sealift Command (COMSC), (reference 1-4)).

(2) Situations where the Navy exercises statutory authority for safety and health and, as a result, the OSH Act does not directly apply.

c. Where the safety and health of the contractor's employees are affected, the contractor is responsible directly to the DOL's Occupational Safety and Health Administration (OSHA) or appropriate state

office where OSHA has approved a state plan.

d. Commanding officers shall apply this manual consistently with the provisions of reference 1-5, other provisions of law providing for collective bargaining agreements and procedures, and any agreements entered into under such provisions. They shall determine matters of official leave for employee representatives involved in activities under this manual by the procedures of reference 1-5 or applicable collective bargaining agreements.

e. Under the statutory authority of the Atomic Energy Act of 1954, Section 309(a) of the Department of Energy Organization Act, and E.O. 12344 of 1 February 1982, the Director of Naval Nuclear Propulsion Program (CNO(N00N)) is responsible for the safety of reactors and associated naval nuclear propulsion plants, and the control of radiation and radioactivity associated with naval nuclear propulsion plant activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operations and the general public. Accordingly, for the above areas, the Naval Nuclear Propulsion Program is exempt from the requirements of this manual. However, for areas other than those described above, such as asbestos controls, machine guarding, etc., the requirements of this manual apply to Naval Nuclear Propulsion Program activities.

f. By the authority of 10 U.S.C. Section 172, explosive safety is exempt from the requirements of this manual. However, this manual does apply to occupational safety and health issues in explosives and ordinance areas, such as the evaluation of exposure to hazardous materials, noise, machine guarding, etc.

g. While the general concepts and provisions of this manual apply to forces afloat, exceptions must be made for military-unique equipment, systems, and operations. Because of differences in organization and operating environment among surface ships, submarines and shore activities (such areas as chain of command relationships, required councils or committees, training and hazard abatement procedures), forces afloat require specifically tailored procedures. Reference 1-4 contains these provisions. The applicable chapter in reference 1-4 is identified at the end of each chapter in this manual.

Chapter 1

References

- 1-1. DoD Directive 1000.3 of 29 Mar 79, Safety and Occupational Health Policy for the Department of Defense (NOTAL)
- 1-2. DoD Instruction 6055.1 of 19 Aug 98, DoD Occupational Safety and Health Program (NOTAL)
- 1-3. SECNAV Instruction 5100.10G of 15 Dec 89, Department of the Navy Safety and Occupational Health Policy for Programs; Mishap Prevention of (NOTAL)
- 1-4. OPNAVINST 5100.19C of 14 Jan 94, Navy Occupational Safety and Health (NAVOSH) Program Manual for Forces Afloat (NOTAL)
- 1-5. P.L. 95-454, Title VII, Civil Service Reform Act, 5 U.S.C. Sections 7101-7135 (1978 Supp.), 13 October 1978